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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on _11 August 2003_ .

2a)☐ This action is **FINAL.**      2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under _Ex parte Quayle_, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) _1-17_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-17_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _21 December 1999_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☒ Certified copies of the priority documents have been received in Application No. _09/468,143_ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

| | |
| :--- | :--- |
| 1) ☒ Notice of References Cited (PTO-892) | 4) ☐ Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) ☐ Notice of Informal Patent Application (PTO-152) |
| 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) ☐ Other: . |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1.      The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.      Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Hinckley.

        Referring to claim 1, Hinckley discloses a network-device control system (Fig. 3)

for performing priority control (Fig. 3 reference sign 304 and col. 5 lines 64 - col. 6 lines

28) of a network device constituting a network based upon priority of a user, said

system comprising:

        an event notification device (Fig. 1, reference sign 100) for detecting that a user

has logged in to a communication terminal (col. 1 lines 9-23 and 35-47, see the

computer) or that a user has launched a predetermined application from a

communication terminal, and reporting an identifier (col. 5 line 67 – col. 6 line 1, see the

registration request 102) of the user and the fact that an event has occurred (col. 5 line

64 – col. 6 line 6); and

        a network-device controller (Fig. 3) for performing priority control (col. 5 lines 64 -

col. 6 lines 28) of a network device based upon information reported by said event

notification device; wherein

said network-device controller (Fig. 3) acquires priority of the user indicated by the user identifier (col. 5 line 67 – col. 6 line 1, see the registration request 102) reported by said event notification device, obtains a network device (col. 6 lines 6-16, see the handlers 108) on a communication path (Fig. 1, reference sign 106) between said communication terminal and an apparatus (see the handler, Fig. 1, reference sign 108) that is the destination of communication, generates information necessary to perform priority control in accordance with the user priority, and sets this priority control information in said obtained network device (col. 5 lines 64 - col. 6 lines 16). Although, Hinckley does not explicitly teach of a communication terminal, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have included a communication terminal because a computer is disclosed in (col. 1 lines 9-23 and 35-47).

Referring to claim 2, Hinckley discloses the system according to claim 1, further comprising a database unit (Fig. 1, reference sign 114) for storing, in association with a user identifier (Fig. 1, reference sign 102), user information (Fig. 3 reference sign 300 and col. 5 lines 17-22) that includes the address of the apparatus (Fig. 1, reference sign 108, the handler) that is the destination of communication and the user priority; wherein said event notification device acquires the priority (col. 5 lines 64 - col. 6 lines 28) of the user and the address of the apparatus that is the destination of communication from said database unit and reports these to said network-device controller (Fig. 3).

Referring to claim 3, Hinckley discloses the system according to claim 2, but does not explicitly teach of wherein when a user has logged in by inputting the user

identifier, the communication terminal sends this user identifier and the address of the

communication terminal to said database unit; said database unit stores the address of

the communication terminal in association with the user identifier; and said event

notification device detects log-in by a change in user information in said database unit,

acquires the priority of the user, the address of the apparatus that is the destination of

communication and the address of the communication terminal from said database unit;

and reports these to said network-device controller.  It would have been obvious to one

having ordinary skill in the art at the time the invention was made to have included in the

invention logging in by inputting the user identifier, the communication terminal sends

this user identifier and the address of the communication terminal to said database unit;

said database unit stores the address of the communication terminal in association with

the user identifier; and said event notification device detects log-in by a change in user

information in said database unit, acquires the priority of the user, the address of the

apparatus that is the destination of communication and the address of the

communication terminal from said database unit; and reports these to said network-

device controller because when an event occurs, the operating system notifies all

programs that have registered for the event by calling their respective handler routines

and a audit file records in a log file each event that is considered to be significant, such

as modifying a record in a database or logging in as suggested by Hinckley.

Referring to claim 4, Hinckley discloses the system according to claim 2,

but does not explicitly teach of wherein when the user has launched a predetermined

application, the communication terminal sends the user identifier, the address of the

communication terminal and an application identifier of the application to said database

unit; said database unit stores the address of the communication terminal, the

application identifier and the address of an apparatus of an apparatus that is the

destination of communication of the application in association with the user identifier;

and said event notification device detects an application-launch event by a change in

application information in said database unit, acquires the priority of the user, the

address of the apparatus that is the destination of communication and the address of

the communication terminal from said database unit, and reports these to said network-

device controller.  It would have been obvious to one having ordinary skill in the art at

the time the invention was made to have included in the invention launching a

predetermined application, the communication terminal sends the user identifier, the

address of the communication terminal and an application identifier of the application to

said database unit; said database unit stores the address of the communication

terminal, the application identifier and the address of an apparatus of an apparatus that

is the destination of communication of the application in association with the user

identifier; and said event notification device detects an application-launch event by a

change in application information in said database unit, acquires the priority of the user,

the address of the apparatus that is the destination of communication and the address

of the communication terminal from said database unit, and reports these to said

network-device controller because a computer operating system manages a computer's

hardware and software resources and performs tasks, such as performing input/output

(I/O) operations for programs and scheduling the programs to be executed by the computer as suggested by Hinckley.

Referring to claim 5, Hinckley discloses the system of claim 1, wherein said event notification device includes: an event detector (Fig. 1, reference sign 100, and col. 4 lines 45-50) for detecting that a user has logged in to a communication terminal or that a user has launched an application from a communication terminal; and an event notifier (Fig. 1, reference sign 116 and col. 5 lines 50-56) for notifying said network-device controller of the fact that the event occurred and of the user identifier; and said network-device controller includes: an event receiver (Fig. 1, reference sign 118 and col. 5 lines 50-55) for receiving notification from said event notifier; a priority acquisition unit (Fig. 3) for acquiring the priority of the user indicated by the received user identifier; a device selector (Fig. 1, reference sign 116 contains a thread that is used) for selecting a network device which is subjected to priority control based upon the priority of the user; a device-specific information acquisition unit (Fig. 1, reference sign 104) for acquiring state of configuration of the selected network device and a method of configuring the device; a configuration information generator (Fig. 3, reference sign 304) for generating priority-control configuration information for performing priority control of each network device based upon the acquired device-specific information and user priority; and configuration information transmitter (Fig. 2, reference sign 208) for transmitting the priority-control configuration information, which has been generated by said configuration information generator, to the selected network device to thereby set this information in this network device.

Referring to claim 6, Hinckley discloses the system according to claim 2, wherein a directory server (Fig. 1, reference sign 118) is provided, said directory server (Fig. 1, reference sign 118) being provided with said event notification device (Fig. 1, reference sign 100) and said database unit (Fig. 1, reference sign 114).

Referring to claim 7, Hinckley discloses a network-device control apparatus (Fig. 3) for performing priority control (Fig. 3 reference sign 304 and col. 5 lines 64 - col. 6 lines 28) of a network device constituting a network based upon priority of a user, said apparatus comprising:

an event receiver (Fig. 1, reference sign 118 and col. 5 lines 50-55) for receiving an identifier of a user from an event notifier when the user has logged in to a communication terminal or when the user has launched an application; means for acquiring priority of the user (Fig. 3, reference sign 304), which is indicated by the reported user identifier, and the address of an apparatus that is the destination of communication by said communication terminal; a device selector (Fig. 1, reference sign 116 contains a thread that is used) for selecting network devices on a path along which the communication terminal and the apparatus that is the destination of communication communicate; a generating unit (Fig. 3, reference sign 304) for generating information necessary to perform priority control in accordance with the user priority; and means for configuring (Fig. 2, reference sign 208) the network device with the information that has been generated by said generating unit.

Referring to claim 8, Hinckley discloses a network-device control system (Fig. 3) for performing priority control Fig. 3 reference sign 304 and col. 5 lines 64 - col. 6 lines

28) of a network device constituting a network based upon priority of an application,

said system comprising: an event notification device (Fig. 1, reference sign 116 and col.

5 lines 50-56) for detecting that a user has launched a predetermined application from a

communication terminal, and reporting an identifier of the application and the fact that

an application-launch event has occurred; and a network-device controller (Fig. 3) for

performing priority control of a network device based upon information reported by said

event notification device; wherein said network-device controller (Fig. 3) acquires

priority of the application indicated by the application identifier reported by said event

notification device, obtains network devices on a communication path between said

communication terminal and an apparatus that is the destination of communication,

generates information necessary to control said network devices in accordance with the

application priority, and configures each of said network device with this priority control

information (col. 5 lines 64 - col. 6 lines 16). Although, Hinckley does not explicitly

teach of a communication terminal, it would have been obvious to one having ordinary

skill in the art at the time the invention was made to have included a communication

terminal because a computer is disclosed in (col. 1 lines 9-23 and 35-47).

Referring to claim 9, Hinckley discloses the system according to claim 8, further

comprising a database unit (Fig. 1, reference sign 114) for storing user information in

association with a user identifier (Fig. 1, reference sign 102), and application information

(Fig. 3 reference sign 300 and col. 5 lines 17-22), which includes the application priority,

in association with an application identifier; wherein said event notification device

acquires the priority of the application from said database unit and reports this

application priority to said network-device controller (col. 5 lines 64 - col. 6 lines 28).

Referring to claim 10, Hinckley discloses the system according to claim 9, but

does not explicitly teach of wherein when the user has launched a predetermined

application, the communication terminal sends the application identifier and the address

of the apparatus that is the destination of communication to said database unit and said

database unit stores the application identifier and the address of the apparatus, which is

the destination of communication, in association with the user identifier; and said event

notification device detects occurrence of an application-launch event by a change in the

application information in the user information in said database unit, acquires the priority

of the application, the address of the apparatus that is the destination of communication

and the address of the communication terminal from said database unit, and reports

these to said network-device controller.  It would have been obvious to one having

ordinary skill in the art at the time the invention was made to have included to the

invention launching a predetermined application, the communication terminal sends the

application identifier and the address of the apparatus that is the destination of

communication to said database unit and said database unit stores the application

identifier and the address of the apparatus, which is the destination of communication,

in association with the user identifier; and said event notification device detects

occurrence of an application-launch event by a change in the application information in

the user information in said database unit, acquires the priority of the application, the

address of the apparatus that is the destination of communication and the address of

the communication terminal from said database unit, and reports these to said

network-device controller because a computer operating system manages a computer's

hardware and software resources and performs tasks, such as performing input/output

(I/O) operations for programs and scheduling the programs to be executed by the

computer as suggested by Hinckley.

Referring to claim 11, Hinckley discloses the system according to claim 8,

wherein said event notification device includes:

an event detector (Fig. 1, reference sign 100, and col. 4 lines 45-50) for detecting that a

communication terminal has given rise to an application-launch event; and

an event notifier (Fig. 1, reference sign 116 and col. 5 lines 50-56) for notifying said

network-device controller of the fact that the event occurred and of the application

identifier; and said network-device controller includes: an event receiver (Fig. 1,

reference sign 118 and col. 5 lines 50-55) for receiving notification from said event

notifier; a priority acquisition unit (Fig. 3) for acquiring the priority of the application

indicated by the received application identifier; a device selector (Fig. 1, reference sign

116 contains a thread that is used) for selecting a network device which is subjected to

priority control based upon the priority of the application; a device-specific information

acquisition unit (Fig. 1, reference sign 104) for acquiring state of configuration of the

selected network device and a method of configuring the device; a configuration

information generator (Fig. 3, reference sign 304) for generating priority-control

configuration information for performing priority control of the selected network device

based upon the acquired device-specific information and application priority; and

configuration information transmitter (Fig. 2, reference sign 208) for transmitting the

priority-control configuration information, which has been generated by said

configuration information generator, to the selected network device to thereby set this

information in this network device.

Referring to claim 12, Hinckley discloses the system according to claim 9,

wherein a directory server (Fig. 1, reference sign 118) is provided, said directory server

(Fig. 1, reference sign 118) being provided with said event notification device (Fig. 1,

reference sign 100) and said database unit (Fig. 1, reference sign 114).

Referring to claim 13, Hinckley discloses a network-device control apparatus

(Fig. 3) for performing priority control (Fig. 3 reference sign 304 and col. 5 lines 64 - col.

6 lines 28) of a network device constituting a network based upon priority of an

application, said apparatus comprising:

an event receiver (Fig. 1, reference sign 118 and col. 5 lines 50-55) for receiving an

identifier of an application from an event notification device when a user has launched

an application at a communication terminal;

means for acquiring priority of the application (Fig. 3, reference sign 304), which is

indicated by the notified application identifier, and the address of an apparatus that is

the destination of communication by said communication terminal based upon the

application; a device selector (Fig. 1, reference sign 116 contains a thread that is used)

for selecting network devices on a path along which the communication terminal and the

apparatus that is the destination of communication communicate; a generating unit (Fig.

3, reference sign 304) for generating information necessary to perform priority control in

accordance with the application priority; and means for configuring (Fig. 2, reference

sign 208) the network device with the information that has been generated by said

generating unit.

Referring to claim 14, Hinckley discloses a network-device control system (Fig.

3), said system comprising:

an event notification device (Fig. 1, reference sign 100) for detecting that a user has

logged in to a communication terminal (col. 1 lines 9-23 and 35-47, see the computer)

or that a user has launched a predetermined application from a communication terminal,

and reporting an identifier (col. 5 line 67 – col. 6 line 1, see the registration request 102)

of the user and the fact that an event has occurred; and

a network-device controller (Fig. 3) and;

said network-device controller:

conforming to the user identified by the user identifier (col. 5 line 67 – col. 6 line 1, see

the registration request 102) reported by said event notification device;

obtaining network devices on a communication path (Fig. 1, reference sign 106)

between said communication terminal and an apparatus (see the handler, Fig. 1,

reference sign 108) that is the destination of communication; generating configuration

information (col. 5 line 66 – col. 6 line 16); and configuring each of said obtained

network devices device with this generated configuration information (col. 5 lines 64 -

col. 6 lines 16), but does not explicitly teach of the network-device control system

controlling any one of bandwidth, discard rate and delay of a network device constituting

a network and comprising: a network-device controller for controlling any one of

bandwidth, discard rate and

delay of a network device based upon information reported by said event notification

device;

said network-device controller:

acquiring any one of a bandwidth value, discard-rate value and delay value

conforming to the user identified by the user identifier reported by said event notification

device;

obtaining network devices on a communication path between said communication

terminal and an apparatus that is the destination of communication; generating

configuration information necessary to control any one of bandwidth, discard rate and

delay in accordance with the value acquired; and configuring each of said obtained

network devices device with this generated configuration information. It would have

been obvious to one having ordinary skill in the art at the time the invention was made

to have included the network-device control system controlling any one of bandwidth,

discard rate and delay of a network device constituting a network and comprising: a

network-device controller for controlling any one of bandwidth, discard rate and

delay of a network device based upon information reported by said event notification

device;

said network-device controller:

acquiring any one of a bandwidth value, discard-rate value and delay value

conforming to the user identified by the user identifier reported by said event notification

device;

obtaining network devices on a communication path between said communication

terminal and an apparatus that is the destination of communication; generating

configuration information necessary to control any one of bandwidth, discard rate and

delay in accordance with the value acquired; and configuring each of said obtained

network devices device with this generated configuration information because

notification of suspicious behavior or events are taught by Hinckley, whereby the

network delay being the suspicious behavior. Event flags and traps can also be set to

notify you of discards and delays as suggested by Hinckley.

Referring to claim 15, Hinckley discloses a network-device control apparatus

(Fig. 3), said apparatus comprising: an event receiver (Fig. 1, reference sign 118 and

col. 5 lines 50-55) for receiving at least an identifier of a user from an event notification

device when the user has logged in to a communication terminal (col. 1 lines 9-23 and

35-47, see the computer) or when the user has a launched an application;

a device selector (Fig. 1, reference sign 116 contains a thread that is used) for

selecting a network device on a path along which the communication terminal and the

apparatus that is the destination of communication communicate; a generating unit (Fig.

3, reference sign 304) for generating configuration information; and means for

configuring (Fig. 2, reference sign 208) the network device with the configuration

information that has been generated by said generating unit, but does not explicitly

teach of a network-device control apparatus for controlling any one of bandwidth,

discard rate and delay of a network device constituting a network, said apparatus

comprising: an event receiver for receiving at least an identifier of a user from an event

notification device when the user has logged in to a communication terminal or when

the user has a launched an application; means for acquiring any one of a bandwidth

value, discard-rate value and delay value conforming to a user identified by the notified

user identifier, and the address of an apparatus that is the destination of communication

by said communication terminal;

a device selector for selecting a network device on a path along which the

communication terminal and the apparatus that is the destination of communication

communicate; a generating unit for generating configuration information necessary to

control any one of bandwidth, discard rate and delay in accordance with said value

acquired; and means for configuring the network device with the configuration

information that has been generated by said generating unit.  It would have been

obvious to one having ordinary skill in the art at the time the invention was made to

have included to the invention a network-device control apparatus for controlling any

one of bandwidth, discard rate and delay of a network device constituting a network,

said apparatus comprising: an event receiver for receiving at least an identifier of a user

from an event notification device when the user has logged in to a communication

terminal or when the user has a launched an application; means for acquiring any one

of a bandwidth value, discard-rate value and delay value conforming to a user identified

by the notified user identifier, and the address of an apparatus that is the destination of

communication by said communication terminal;

a device selector for selecting a network device on a path along which the

communication terminal and the apparatus that is the destination of communication

communicate; a generating unit for generating configuration information necessary to

control any one of bandwidth, discard rate and delay in accordance with said value

acquired; and means for configuring the network device with the configuration

information that has been generated by said generating unit because notification of

suspicious behavior or events are taught by Hinckley, whereby the network delay being

the suspicious behavior.  Event flags and traps can also be set to notify you of discards

and delays as suggested by Hinckley.

Referring to claim 16, Hinckley discloses a network-device control system (Fig.

3), said system comprising:

an event notification device (Fig. 1, reference sign 100) for detecting that a user has

launched a predetermined application at a communication terminal (col. 1 lines 9-23

and 35-47, see the computer), and reporting an identifier (col. 5 line 67 – col. 6 line 1,

see the registration request 102) of the application and the fact that an

application-launch event has occurred; and a network-device controller (Fig. 3);

obtaining network devices on a communication path (Fig. 1, reference sign 106)

between said communication terminal and an apparatus (see the handler, Fig. 1,

reference sign 108) that is the destination of communication; generating configuration

information (col. 5 line 66 – col. 6 line 16); and configuring each of said obtained

network devices with this generated configuration information (col. 5 lines 64 - col. 6

lines 16), but does not explicitly teach of a network-device control system for controlling

any one of bandwidth, discard rate and delay of a network device constituting a

network, said system comprising:

an event notification device for detecting that a user has launched a predetermined

application at a communication terminal, and reporting an identifier of the application

and the fact that an application-launch event has occurred; and a network-device

controller for controlling any one of bandwidth, discard rate and delay of a network

device based upon information reported by said event notification device; said

network-device controller: acquiring any one of a bandwidth value, discard-rate value

and delay value of an application identified by the application identifier reported by said

event notification device;

obtaining network devices on a communication path between said

communication terminal and an apparatus that is the destination of communication;

generating configuration information necessary to control any one of bandwidth, discard

rate and delay in accordance with the value acquired; and configuring each of said

obtained network devices with this generated configuration information.  It would have

been obvious to one having ordinary skill in the art at the time the invention was made

to have included to the invention a network-device control system for controlling any

one of bandwidth, discard rate and delay of a network device constituting a network,

said system comprising:

an event notification device for detecting that a user has launched a predetermined

application at a communication terminal, and reporting an identifier of the application

and the fact that an application-launch event has occurred; and a network-device

controller for controlling any one of bandwidth, discard rate and delay of a network

device based upon information reported by said event notification device; said

network-device controller: acquiring any one of a bandwidth value, discard-rate value

and delay value of an application identified by the application identifier reported by said

event notification device;

obtaining network devices on a communication path between said communication

terminal and an apparatus that is the destination of communication; generating

configuration information necessary to control any one of bandwidth, discard rate and

delay in accordance with the value acquired; and configuring each of said obtained

network devices with this generated configuration information because notification of

suspicious behavior or events are taught by Hinckley, whereby the network delay being

the suspicious behavior.  Event flags and traps can also be set to notify you of discards

and delays as suggested by Hinckley.

Referring to claim 17, Hinckley discloses a network-device control apparatus

(Fig. 3), said apparatus comprising: an event receiver (Fig. 1, reference sign 118 and

col. 5 lines 50-55) for receiving an identifier of an application from an event identification

device when a user has a launched an application at a communication terminal (col. 1

lines 9-23 and 35-47, see the computer); and the address of an apparatus that is the

destination of communication by said communication terminal based upon the

application; a device selector (Fig. 1, reference sign 116 contains a thread that is used)

for selecting a network device on a path along which the communication terminal and

the apparatus that is the destination of communication communicate;

a generating unit (Fig. 3, reference sign 304) for generating configuration

information; and means for configuring (Fig. 2, reference sign 208) the network device

with the configuration information that has been generated by said generating unit, but

does not explicitly teach of the network-device control apparatus controlling any one of

bandwidth, discard rate and delay of a network device constituting a network, said

apparatus comprising: an event receiver for receiving an identifier of an application from

an event identification device when a user has a launched an application at a

communication terminal; means for acquiring any one of a bandwidth value,

discard-rate value and delay value conforming to an application identified by the

reported application identifier, and the address of an apparatus that is the destination of

communication by said communication terminal based upon the application; a device

selector for selecting a network device on a path along which the communication

terminal and the apparatus that is the destination of communication communicate;

a generating unit for generating configuration information necessary to control

any one of bandwidth, discard rate and delay in accordance with the value acquired;

and means for configuring the network device with the configuration information that has

been generated by said generating unit. It would have been obvious to one having

ordinary skill in the art at the time the invention was made to have included a

network-device control apparatus for controlling any one of bandwidth, discard rate and

delay of a network device constituting a network, said apparatus comprising: an event

receiver for receiving an identifier of an application from an event identification device

when a user has a launched an application at a communication terminal; means for

acquiring any one of a bandwidth value, discard-rate value and delay value conforming

to an application identified by the reported application identifier, and the address of an

apparatus that is the destination of communication by said communication terminal

based upon the application; a device selector for selecting a network device on a path

along which the communication terminal and the apparatus that is the destination of

communication communicate;

a generating unit for generating configuration information necessary to control any one

of bandwidth, discard rate and delay in accordance with the value acquired; and means

for configuring the network device with the configuration information that has been

generated by said generating unit because notification of suspicious behavior or events

are taught by Hinckley, whereby the network delay being the suspicious behavior.

Event flags and traps can also be set to notify you of discards and delays as suggested

by Hinckley.


## Response to Arguments

3.      Applicant's arguments with respect to claims 1-17 have been considered but are

moot in view of the new ground(s) of rejection.

### *Conclusion*

4.    **Any response to this action should be mailed to:**

> Commissioner of Patents and Trademarks
> Washington, D.C. 20231

**or faxed to:**

> (703) 305-3988, (for formal communications intended for entry)

**Or:**

> (703) 305-3988 (for informal or draft communications, please label
> "PROPOSED" or "DRAFT")

> Hand-delivered responses should be brought to Crystal Park II, 2121
> Crystal Drive, Arlington, VA.  22202, Sixth Floor (Receptionist).

5.    Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Jamal A. Fox whose telephone number is (703) 305-

5741.  The examiner can normally be reached on Monday-Friday 6:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Wellington Chin can be reached on (703) 305-4366.  The fax phone

numbers for the organization where this application or proceeding is assigned are (703)

872-9314 for regular communications and (703) 872-9315 for After Final
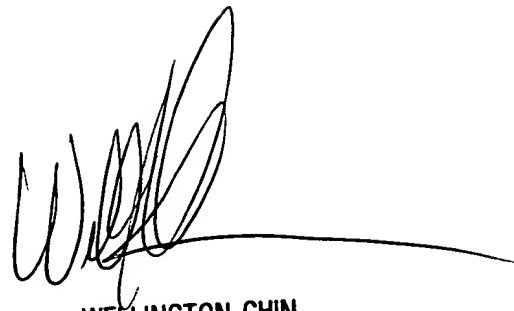
communications.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is (703) 306-

0377.

Art Unit: 2664

*J. A. F.*

**Jamal A. Fox**

WELLINGTON CHIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600